

Prob12C
DMA (1/2005)

**United States District Court
for the District of Massachusetts
Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Jose Antonio Garcia

Case Number: 04-30011

Name of Sentencing Judicial Officer in District of New Hampshire: The Honorable Paul Barbadoro

Name of Judicial Officer in District of Massachusetts: The Honorable Michael A. Ponsor

Date of Original Sentence: 6/14/01

Original Offense: Distribution of Cocaine Base, in violation of Title 21 U.S.C. §841(a)(1)

Original Sentence: 30 Months of Incarceration followed by 3 Years of Supervised Release

Type of Supervision: Supervised Release

Date Supervision Commenced: 8/1/03

Asst. U.S. Attorney: Robert M. Kinsella

Defense Attorney: Bjorn R. Lane

PETITIONING THE COURT

☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

| | |
|----|--|
| I. | <u>Violation of Standard Condition:</u> <i>"The defendant shall not commit another federal, state or local crime."</i> |
|----|--|

On November 14, 2004, Mr. Garcia was arrested by the Springfield Police Department for Drug Possession Class B, Cocaine. On November 17, 2004, Mr. Garcia appeared in Springfield District Court charged with same, Docket #: 0423CR010773. Mr. Garcia was represented by counsel and allowed to be released while the case was continued until December 30, 2004. On December 30, 2004, Mr. Garcia pled guilty and a \$250.00 fine was imposed, due on February 28, 2005. The case is scheduled for a status review on February 28, 2005 in Springfield District Court.

According to the Springfield Police Department report, on November 14, 2004 officers observed two males in a known area for trespassing and drug dealing. Officers approached the vehicle and questioned the driver and passenger. An officer asked the passenger, Mr. Garcia, to see his hands. Mr. Garcia apparently was holding something in his right hand and when he lifted his hand something fell out of it. The officer opened the door and observed a small plastic bag containing a white powdered substance which was believed to be:

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cocaine. Mr. Garcia was then handcuffed. Officers patted Mr. Garcia down and found in his jeans pocket a folded buck knife and in his sweatshirt pocket an empty cigarette box containing a small metallic scoop that had the tip covered with a white powdery substance consistent with the same powder found in the plastic bag. Mr. Garcia was transported to the police station and booked.

II. Violation of Condition # 9: *"The defendant shall not associate with any persons engaging in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer."*

At the time of Mr. Garcia's arrest dated November 14, 2004, he was in the vehicle operated and registered to Lance Tolliver. Mr. Tolliver has a lengthy criminal record. The U.S. Probation Office did not grant Mr. Garcia permission to associate with Mr. Tolliver.

III. Violation of Condition # 11: *"The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer."*

Mr. Garcia did not inform the U.S. Probation Office within seventy-two hours of the above noted arrest that occurred on November 14, 2004.

IV. Violation of Condition # 2: *"The defendant shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month."*

Mr. Garcia did not report his contact with law enforcement on his Monthly Report Forms for the months of November or December. In answer to the question, "Were you questioned by any law enforcement officer?", on his Monthly Report, Mr. Garcia checked the no box. In answer to the question, "Were you arrested or named as a defendant in any criminal case?", on his Monthly Report, Mr. Garcia checked the no box.

V. Violation of Condition # 3: *"The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer."*

On February 9, 2005, during a telephone conversation with U.S. Probation Officer Assistant Tracy Weisberg, Mr. Garcia was asked specifically if he has had any contact with law enforcement or has had any recent criminal activity, Mr. Garcia responded no to both questions.

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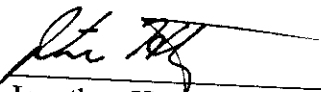
U.S. Probation Officer Recommendation:

The term of supervision should be:

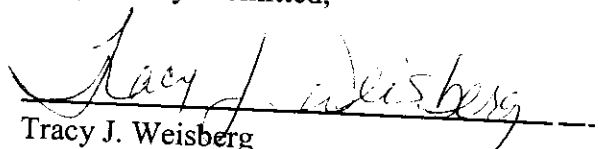
☒ Revoked

I declare under penalty of perjury that the foregoing is true and correct.

Reviewed/Approved by:



Jonathan Hurtig
Supervising U.S. Probation Officer

Respectfully submitted,

By 
Tracy J. Weisberg
U.S. Probation Officer
Date: February 10, 2005

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other


Signature of Judicial Officer

2.16.05
Date